

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0013-AIR-E TCEQ ID: RN100219815 CASE NO.: 32086
RESPONDENT NAME: Eastman Chemical Company

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Eastman Chemical Company Texas Operations, located on Kodak Boulevard off Highway 149, Longview, Harrison County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are five additional pending enforcement actions regarding this facility location, these docket numbers are 2005-0168-AIR-E, 2005-1498-AIR-E, 2006-1923-AIR-E, 2007-0699-AIR-E, and 2007-0830-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 11, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Bryan Elliott, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6162; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Ms. Stancy Simpson, Manager, Environmental Affairs, Eastman Chemical Company, PO Box 7444, Longview, Texas 75607; Mr. James Ray, Vice President and General Manager, Eastman Chemical Company, PO Box 7444, Longview, Texas 75607 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 9, 2006</p> <p>Date of NOE Relating to this Case: November 28, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Four violations were documented.</p> <p>AIR</p> <p>1) Failure to equip open-ended lines with a cap, blind flange, plug, or second valve. Specifically, two open-ended lines were found; one on December 8, 2005 and one on February 3, 2006; and ten open-ended lines were found; one each on October 17 and 18, 2005, December 3 and 30, 2005, February 8 and 14, 2006, and four were found on February 1, 2006 [30 TEX. ADMIN. CODE §§ 113.130, 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 Code of Federal Regulations § 63.167(a)(1), Federal Operating Permit 0-01974, Special Terms and Conditions Nos. 1A and 6, and NSR Permit 52985, Special Condition No. 10E].</p> <p>2) Failure to comply with permitted emissions limits. Specifically, during an emission test on Emission Point No. ("EPN") 038E103 on August 17-19, 2005, Eastman indicated ethanol emissions of 2.0 pounds per hour ("lbs/hr") while the permitted limit is 1.13 lbs/hr [30 TEX. ADMIN. CODE §§ 116.115(c), 116.115(b)(2)(F) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit 0-01974, Special Terms and Conditions No. 6, and NSR Permit 52985, Special Condition No. 1].</p> <p>3) Failure to sample at both the entrance and exit of each heat exchange system to</p>	<p>Total Assessed: \$33,990</p> <p>Total Deferred: \$6,798 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$27,192</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Eastman has implemented the following corrective measures at the Plant:</p> <p>a) Replaced the twelve missing plugs by February 14, 2006;</p> <p>b) Was issued Permit By Rule No. 76860 on September 30, 2005 to increase total Volatile Organic Compound emissions to 8.41 tons per year;</p> <p>c) Implemented a revised Monitoring Plan to include sampling at the entrance and exit of the cooling tower by March 31, 2006; and</p> <p>d) Submitted the corrected deviation reports on July 25, 2006.</p>

detect leaks on a quarterly basis. Specifically, Eastman reported that they did not sample at the entrance of the cooling tower for the 3rd and 4th quarters of 2004 and the 1st through the 4th quarters of 2005 [30 TEX. ADMIN. CODE §§ 113.110 and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 Code of Federal Regulations § 63.104(b)(4), and Federal Operating Permit 0-01974, Special Terms and Conditions No. 1A].

4) Failure to report all instances of deviations. Specifically, Eastman failed to include, as a deviation, the failure to sample at the entrance of the cooling tower on the three deviation reporting periods of July 1 to December 31, 2004, January 1 to June 30, 2005, and July 1 to December 31, 2005 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit 0-01974, General Terms and Conditions].



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ
DATES

Assigned 4-Dec-2006
PCW 28-Dec-2006 Screening 27-Dec-2006 EPA Due 25-Aug-2007

RESPONDENT/FACILITY INFORMATION

Respondent Eastman Chemical Company
Reg. Ent. Ref. No. RN100219815
Facility/Site Region 5-Tyler Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 32086 No. of Violations 4
Docket No. 2007-0013-AIR-E Order Type 1660
Media Program(s) Air Quality Enf. Coordinator Bryan Elliott
Multi-Media EC's Team Enforcement Team 5
Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$16,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 131% Enhancement Subtotals 2, 3, & 7 \$21,615

Notes The penalty was enhanced due to twenty-one NOV's for similar violations and thirteen NOV's for dissimilar violations.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction Subtotal 5 \$4,125

Before NOV NOV to EDPRP/Settlement Offer
Extraordinary
Ordinary X
N/A (mark with x)

Notes The Respondent came into compliance by July 25, 2006.

0% Enhancement* Subtotal 6 \$0
Total EB Amounts \$147
Approx. Cost of Compliance \$4,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$33,990

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$33,990

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$33,990

DEFERRAL 20% Reduction Adjustment -\$6,798

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$27,192

Screening Date 27-Dec-2006

Docket No. 2007-0013-AIR-E

PCW

Respondent Eastman Chemical Company

Case ID No. 32086

Policy Revision 2 (September 2002)

Reg. Ent. Reference No. RN100219815

PCW Revision December 8, 2006

Media [Statute] Air Quality

Enf. Coordinator Bryan Elliott

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	21	105%
	Other written NOVs	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 131%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty was enhanced due to twenty-one NOVs for similar violations and thirteen NOVs for dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 131%

Screening Date 27-Dec-2006

Docket No. 2007-0013-AIR-E

PCW

Respondent Eastman Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 32086

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100219815

Media [Statute] Air Quality

Enf. Coordinator Bryan Elliott

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 113.130, 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations § 63.167(a)(1), Federal Operating Permit 0-01974, Special Terms and Conditions Nos. 1A and 6, and NSR Permit 52985, Special Condition No. 10E

Violation Description Failed to equip open-ended lines with a cap, blind flange, plug, or second valve. Specifically two open-ended lines were found; one on December 8, 2005 and one on February 3, 2006; and ten open-ended lines were found; one each on October 17 and 18, 2005, December 3 and 30, 2005, February 8 and 14, 2006, and four were found on February 1, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

120 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended based on the earliest documented violation date (October 17, 2005) to the last documented violation date (February 14, 2006).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$10,300

This violation Final Assessed Penalty (adjusted for limits) \$10,300

Economic Benefit Worksheet

Respondent: Eastman Chemical Company
Case ID No.: 32086
Reg. Ent. Reference No.: RN100219815
Media: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	17-Oct-2005	14-Feb-2006	0.3	\$8	n/a	\$8
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Date Required is the earliest documented violation date, and Final Date is the date of compliance (date plugs were replaced).

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$8

Screening Date 27-Dec-2006

Docket No. 2007-0013-AIR-E

PCW

Respondent Eastman Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 32086

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100219815

Media [Statute] Air Quality

Enf. Coordinator Bryan Elliott

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 116.115(b)(2)(F) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit 0-01974, Special Terms and Conditions No. 6, and NSR Permit 52985, Special Condition No. 1

Violation Description Failed to comply with permitted emissions limits. Specifically, during an emission test on Emission Point No. ("EPN") 038E103 on August 17-19, 2005, Eastman indicated ethanol emissions of 2.0 pounds per hour ("lbs/hr") while the permitted limit is 1.13 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

44 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended for the period of August 17, 2005 (date of test) to September 30, 2005 (date of compliance).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$5,150

This violation Final Assessed Penalty (adjusted for limits) \$5,150

Economic Benefit Worksheet

Respondent: Eastman Chemical Company
Case ID No.: 32086
Reg. Ent. Reference No.: RN100219815
Media: Air Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$2,500	19-Aug-2005	30-Sep-2005	0.1	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit a PBR. Date Required is the date of the stack test and Final Date is the date the PBR was issued.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$14

Screening Date 27-Dec-2006

Docket No. 2007-0013-AIR-E

PCW

Respondent Eastman Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 32086

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100219815

Media [Statute] Air Quality

Enf. Coordinator Bryan Elliott

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 113.110 and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations § 63.104(b)(4), and Federal Operating Permit 0-01974, Special Terms and Conditions No. 1A

Violation Description

Failed to sample at both the entrance and exit of each heat exchange system to detect leaks on a quarterly basis. Specifically, Eastman reported that they did not sample at the entrance of the cooling tower for the 3rd and 4th quarters of 2004 and the 1st through the 4th quarters of 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could have been exposed to insignificant amounts of pollutants which would not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 6

540 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$6,000

Six single events are recommended, one for each quarter not sampled.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$87

Violation Final Penalty Total \$12,360

This violation Final Assessed Penalty (adjusted for limits) \$12,360

Economic Benefit Worksheet

Respondent: Eastman Chemical Company
Case ID No.: 32086
Reg. Ent. Reference No.: RN100219815
Media: Air Quality
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	1-Jul-2004	31-Mar-2006	1.7	\$87	n/a	\$87
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for sampling at the proper location. Date Required is the date sampling was required and Final Date is the date of compliance (date of sampling).

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000
TOTAL \$87

Screening Date 27-Dec-2006

Docket No. 2007-0013-AIR-E

PCW

Respondent Eastman Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 32086

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100219815

Media [Statute] Air Quality

Enf. Coordinator Bryan Elliott

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit 0-01974, General Terms and Conditions

Violation Description

Failed to report all instances of deviations. Specifically, Eastman failed to include, as a deviation, the failure to sample at the entrance of the cooling tower on the three deviation reporting periods of July 1 to December 31, 2004, January 1 to June 30, 2005, and July 1 to December 31, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes

Between 30% and 70% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

365 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,000

Three single events are recommended based on the three reporting periods.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$6,180

This violation Final Assessed Penalty (adjusted for limits) \$6,180

Economic Benefit Worksheet

Respondent: Eastman Chemical Company
Case ID No.: 32086
Reg. Ent. Reference No.: RN100219815
Media: Air Quality
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	31-Jan-2005	25-Jul-2006	1.5	\$37	n/a	\$37
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit inclusive deviation reports. Date Required is the earliest due date of the inaccurate reports and Final Date is the date of compliance (date corrected reports were submitted).

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$37

Compliance History

Customer/Respondent/Owner-Operator:	CN601214406	Eastman Chemical Company	Classification: AVERAGE	Rating: 1.95
Regulated Entity:	RN100219815	EASTMAN CHEMICAL COMPANY TEXAS OPERATIONS	Classification: AVERAGE	Site Rating: 0.97

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HH0042M
	AIR OPERATING PERMITS	PERMIT	1436
	AIR OPERATING PERMITS	PERMIT	1967
	AIR OPERATING PERMITS	PERMIT	1968
	AIR OPERATING PERMITS	PERMIT	1969
	AIR OPERATING PERMITS	PERMIT	1970
	AIR OPERATING PERMITS	PERMIT	1971
	AIR OPERATING PERMITS	PERMIT	1972
	AIR OPERATING PERMITS	PERMIT	1973
	AIR OPERATING PERMITS	PERMIT	1974
	AIR OPERATING PERMITS	PERMIT	1975
	AIR OPERATING PERMITS	PERMIT	1976
	AIR OPERATING PERMITS	PERMIT	1977
	AIR OPERATING PERMITS	PERMIT	1978
	AIR OPERATING PERMITS	PERMIT	1979
	AIR OPERATING PERMITS	PERMIT	1981
	AIR OPERATING PERMITS	PERMIT	1982
	AIR OPERATING PERMITS	PERMIT	1983
	AIR NEW SOURCE PERMITS	PERMIT	208
	AIR NEW SOURCE PERMITS	PERMIT	626
	AIR NEW SOURCE PERMITS	PERMIT	681
	AIR NEW SOURCE PERMITS	PERMIT	908
	AIR NEW SOURCE PERMITS	PERMIT	1105
	AIR NEW SOURCE PERMITS	PERMIT	1143
	AIR NEW SOURCE PERMITS	PERMIT	1329
	AIR NEW SOURCE PERMITS	PERMIT	2102
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PERMIT

49740

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WASTEWATER	PERMIT	WQ0000471000
WASTEWATER	PERMIT	TPDES0000949
INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	EPA ID	TXD007330202
INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	SOLID WASTE REGISTRATION # (SWR)	30137
WASTEWATER LICENSING	LICENSE	WQ0000471000
STORMWATER	PERMIT	TXR05M879
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1020092
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30137
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50043
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD007330202
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30137
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50043
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50043
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50043
USED OIL	REGISTRATION	A85413

Location: KODAK BLVD OFF HWY 149, LONGVIEW, TX, Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: December 08, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 08, 2001 to December 08, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Bryan Elliott Phone: 239-6162

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	12/17/2001	(82731)
2	12/17/2001	(82730)
3	12/17/2001	(82729)
4	12/11/2001	(82728)
5	12/11/2001	(82727)
6	07/23/2002	(153777)
7	12/11/2001	(82726)
8	07/23/2003	(153778)
9	03/12/2003	(23773)
10	08/30/2002	(9169)
11	08/23/2002	(153781)
12	07/14/2006	(486416)
13	08/22/2005	(405030)
14	04/05/2004	(267733)
15	08/23/2002	(153782)
16	09/28/2005	(432883)
17	08/30/2002	(9121)
18	07/31/2003	(38151)
19	08/28/2002	(9186)
20	01/30/2006	(453414)
21	04/22/2005	(440481)
22	04/04/2006	(461183)
23	08/28/2006	(509675)
24	05/23/2005	(440482)
25	05/30/2003	(61647)
26	09/23/2002	(153785)
27	06/24/2005	(440483)
28	04/20/2005	(377304)
29	01/03/2005	(345829)
30	07/22/2005	(440484)
31	10/18/2006	(513967)
32	03/12/2003	(23831)
33	08/22/2005	(440485)
34	10/19/2004	(351421)
35	07/05/2005	(393234)
36	08/22/2005	(406138)
37	09/23/2005	(440486)
38	10/21/2002	(153788)
39	08/26/2005	(407430)
40	02/13/2006	(455134)
41	06/03/2003	(61798)
42	08/19/2003	(150726)
43	11/23/2004	(351422)
44	05/01/2006	(464398)
45	03/12/2003	(24524)
46	07/19/2006	(456505)
47	06/17/2004	(275984)
48	10/10/2005	(433239)
49	02/24/2004	(293669)
50	11/28/2006	(519470)
51	10/19/2006	(514234)
52	11/25/2002	(153792)
53	05/02/2003	(24169)
54	11/01/2006	(517231)
55	12/07/2004	(341048)
56	09/22/2006	(513659)
57	07/21/2006	(486831)
58	03/22/2003	(293672)

59	09/28/2005	(432759)
60	05/01/2006	(464451)
61	12/27/2001	(153795)
62	03/13/2006	(458807)
63	08/11/2005	(402307)
64	02/27/2006	(455387)
65	04/23/2004	(293673)
66	12/30/2002	(153796)
67	07/20/2006	(456662)
68	10/10/2005	(433286)
69	05/01/2006	(464369)
70	07/13/2005	(399882)
71	01/29/2004	(250443)
72	02/08/2006	(454581)
73	10/18/2006	(515895)

74	05/25/2004	(293675)
75	01/29/2002	(153799)
76	02/22/2006	(467772)
77	08/31/2005	(405967)
78	01/24/2003	(153800)
79	06/22/2004	(293677)
80	03/20/2006	(467773)
81	07/13/2005	(399771)
82	05/14/2003	(36483)
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84	04/19/2006	(467774)
85	05/02/2006	(464527)
86	04/19/2006	(467775)
87	10/25/2005	(467776)
88	08/25/2003	(293680)
89	10/18/2006	(515038)
90	07/21/2006	(486838)
91	01/29/2004	(258924)
92	08/22/2005	(405683)
93	11/28/2005	(467777)
94	03/12/2003	(24677)
95	09/23/2003	(293682)
96	03/17/2005	(373696)
97	12/27/2005	(467778)
98	07/25/2005	(401376)
99	03/23/2006	(459327)
100	03/18/2004	(266121)
101	10/24/2003	(293684)
102	07/25/2005	(400970)
103	01/29/2004	(257722)
104	06/30/2005	(379775)
105	11/21/2003	(293685)
106	08/31/2006	(510752)
107	08/28/2006	(509315)
108	01/25/2006	(467779)
109	08/26/2005	(407396)
110	12/29/2003	(293686)
111	03/11/2005	(373876)
112	05/09/2006	(464557)
113	04/20/2005	(378314)
114	01/23/2004	(293688)
115	10/19/2006	(514010)
116	03/18/2004	(266071)
117	02/06/2006	(454518)
118	09/28/2005	(432012)
119	02/06/2006	(454506)
120	02/03/2004	(261420)
121	11/29/2005	(437568)
122	07/25/2005	(401412)

123	05/09/2006	(464558)
124	10/18/2006	(515798)
125	05/30/2003	(61604)
126	08/30/2002	(7499)
127	02/22/2005	(381482)
128	02/06/2006	(454558)
129	05/02/2003	(29894)
130	03/21/2005	(381483)
131	08/31/2006	(510444)
132	12/20/2004	(381484)
133	07/01/2004	(277715)
134	08/31/2006	(509748)
135	03/12/2003	(24100)
136	01/31/2005	(381485)
137	01/03/2005	(345910)
138	02/06/2006	(454503)
139	03/17/2005	(373783)
140	04/04/2006	(461191)
141	02/03/2004	(261617)

142	07/28/2003	(146866)
143	12/22/2003	(258006)
144	10/28/2004	(293068)
145	08/31/2006	(510445)
146	03/12/2003	(24554)
147	02/06/2006	(454563)
148	06/09/2006	(480874)
149	02/13/2006	(455099)
150	11/01/2006	(517290)
151	07/22/2005	(395173)
152	11/19/2002	(14466)
153	06/01/2006	(480902)
154	03/11/2005	(373995)
155	10/18/2006	(515875)
156	01/29/2004	(257791)
157	03/13/2003	(25973)
158	04/19/2006	(462369)
159	04/19/2005	(377228)
160	03/22/2005	(374488)
161	10/18/2006	(515827)
162	10/18/2006	(515002)
163	08/22/2005	(405448)
164	08/31/2006	(510674)
165	07/29/2005	(395158)
166	02/27/2002	(153757)
167	07/25/2005	(399922)
168	03/13/2003	(25944)
169	02/24/2003	(153758)
170	10/18/2006	(515910)
171	11/01/2006	(517576)
172	07/20/2006	(456664)
173	03/27/2002	(153760)
174	08/18/2006	(519842)
175	03/25/2003	(153761)
176	05/31/2006	(480290)
177	09/19/2006	(519843)
178	02/13/2006	(455070)
179	10/19/2006	(519844)
180	02/06/2006	(454496)
181	12/06/2002	(16366)
182	04/29/2002	(153765)
183	04/21/2003	(153766)
184	07/25/2005	(401361)
185	06/03/2002	(82757)
186	05/07/2002	(82756)

187	03/17/2005	(373560)
188	05/07/2002	(82755)
189	11/30/2006	(532795)
190	03/22/2005	(17025)
191	04/18/2002	(82754)
192	07/25/2005	(401537)
193	08/13/2003	(146622)
194	02/06/2006	(454560)
195	10/18/2006	(514945)
196	03/22/2002	(82753)
197	05/28/2002	(153769)
198	03/22/2002	(82752)
199	08/22/2006	(497545)
200	03/22/2002	(82751)
201	07/20/2006	(497799)
202	05/23/2003	(153770)
203	08/18/2006	(497255)
204	03/22/2002	(82750)
205	06/19/2006	(497800)
206	03/22/2002	(82749)
207	07/17/2006	(486545)
208	04/26/2006	(455671)
209	07/21/2006	(486842)

210	03/22/2002	(82748)
211	07/20/2006	(497801)
212	08/30/2002	(9134)
213	03/22/2002	(82747)
214	06/09/2006	(481015)
215	03/22/2002	(82746)
216	03/13/2002	(82745)
217	07/26/2004	(332755)
218	03/13/2002	(82744)
219	10/10/2005	(433189)
220	03/13/2002	(82743)
221	08/28/2003	(150648)
222	03/13/2002	(82742)
223	07/26/2004	(351418)
224	03/13/2002	(82741)
225	06/24/2002	(153773)
226	08/22/2006	(497635)
227	03/13/2002	(82740)
228	12/20/2004	(344802)
229	03/13/2002	(82739)
230	02/06/2006	(454553)
231	01/03/2005	(345805)
232	07/11/2006	(484680)
233	03/13/2002	(82738)
234	08/28/2003	(150745)
235	06/24/2003	(153774)
236	10/27/2006	(516004)
237	03/07/2002	(82737)
238	03/07/2006	(458253)
239	08/24/2004	(351419)
240	03/07/2002	(82736)
241	12/16/2003	(257911)
242	02/06/2002	(82735)
243	02/06/2002	(82734)
244	08/31/2005	(418706)
245	02/06/2002	(82733)
246	01/10/2002	(82732)
247	09/23/2004	(351420)
248	04/20/2005	(377429)

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
 PA IA

Description: Failure to equip a flange with a blind flange.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.100(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)

Rqmt Prov: OP IA
 PA IA

Description: Failure to repair a leaking component (connector) within 15 days of discovering the leak.

Date: 11/01/2006 (517576)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: OP IA
 PA IA

Description: Failure to equip one open-ended line with a blind flange.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
 PA IA

Description: Failure to equip one open-ended line with a blind flange.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
 PA IA

Description: Failure to equip four open-ended line with a cap, blind flange, or plug.

Date: 07/26/2004 (332755)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/31/2006 (510445)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: OP IA

Description: Failure to equip 8 open-ended lines and valves with a cap, blind flange, plug, or second valve.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Date: 08/31/2004 (351420)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2002 (153788)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/22/2006 (497545)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
 Rqmt Prov: OP IA
 Description: Failure to equip 17 open-ended lines, valves, or flanges with a cap, blind flange, plug, or second valve. These components only have federal applicability.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP IA
 Description: PA IA
 Failure to equip 5 open-ended lines, valves, or flanges with a cap, blind flange, plug, or second valve. These components only have state applicability.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP IA
 PA IA
 Description: Failure to repair a valve during a shutdown that had been placed on delay of repair.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.560
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)
 Rqmt Prov: OP IA
 Description: Failure to equip 10 open-ended lines, valves, or flanges with a cap, blind flange, plug, or second valve. These components only have federal applicability under 40 CFR 63, Subpart YY.
 Date: 08/31/2006 (510674)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 Rqmt Prov: OP IA
 PA IA
 Description: Failure to equip 15 open-ended lines and valves with a cap, blind flange, plug, or second valve.
 Date: 04/20/2006 (462369)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(F)

30 TAC Chapter 106, SubChapter T 106.454(3)(B)[G]
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
Description: Failure to maintain the cover in a closed position when parts were not being handled in the degreaser. On April 9, 2005, Eastman personnel discovered the open lid, closed it and reported the deviation in the January 1, 2005 through June 30, 2005 Deviation Report.
Date: 01/31/2004 (293669)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 06/09/2006 (480874)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: OP IA
Description: Failure to equip 11 open-ended lines and valves with a cap, blind flange, plug, or second valve.
Date: 02/29/2004 (293672)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/27/2006 (455387)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(C)

Rqmt Prov: OP IA
Description: Failure to meet a minimum temperature of 1400 degrees Fahrenheit in the combustion chamber in the Rotary Kiln Incinerator (RKI) while burning hazardous waste. The minimum temperature was not met on the following dates: October 18, 2004 (2 minutes), November 4, 2004 (19 minutes), and December 6, 2004 (22 minutes).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: OP IA
PA IA
Description: Failure to equip 3 open-ended lines and valves with a cap, blind flange, plug, or second valve. Eastman reported that during the month of October 2004, 1 plug was found missing and was replaced. Also, it was reported that during the month of February 2005, 2 plugs were found missing and were replaced. HON components
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
PA IA
Description: Failure to equip 2 open-ended lines and valves with a cap, blind flange, plug, or second valve. Eastman reported that during the month of November 2004, 1 plug was found missing and was replaced. Also, it was reported that during the month of January 2005, 1 plug was found missing and was replaced. Not HON compon
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
 PA IA

Description: Failure to maintain a minimum pH of 7.3 at the caustic scrubber liquid outlet while waste is being feed to the scrubber. On February 20, 2005, the pH dropped below 7.3 from 07:21 hours to 08:51 hours and waste was still fed to the scrubber.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(4)

Rqmt Prov: OP IA

Description: Failure to sample at the entrance and exit of each heat exchange system to detect leaks on a quarterly basis. The HON Subpart F Analyses supplied indicates the cooling tower returns from Acetaldehyde Plants 1 and 2 were sampled, but the supplies were not sampled.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: OP IA

Description: Failure to report each instance of a deviation in the submitted deviation reports. Deviation Reports were submitted covering the periods of July 1, 2004 through December 31, 2004 and January 1, 2005 through June 30, 2005.

Date: 06/09/2006 (481015)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: OP IA

PA IA

Description: Failure to equip 28 open-ended lines and valves with a cap, blind flange, plug, or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2)

Rqmt Prov: OP IA
 PA IA

Description: Failure to make the first attempt at repair within 5 days of discovering a seal leak on pump P-135.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
 PA IA

Description: Failure to maintain a net heating value of 200 Btu/scf or greater for the gases being combusted in the mixed esters flare.

Date: 03/31/2004 (293673)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/28/2006 (514010)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

Rqmt Prov: OP IA
 PA IA

Description: Failure to equip 2 open-ended lines and valves with a cap, blind flange, plug, or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
 PA IA

Description: Failure to repair two leaking components within 15 days of discovering the leaks.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-8(c)

Rqmt Prov: OP IA
 PA IA

Description: Failure to repair a leaking connector within 15 days of discovering the leaking connector.

Date: 01/05/2004 (258924)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the Texas Commission on Environmental Quality (TCEQ) Tyler Regional Office of a reportable emissions event within 24 hours after discovery of the event.

Date: 08/31/2006 (510752)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
 PA IA

Description: Failure to maintain the time weighted average vacuum pressure below 105 mm Hg.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 30 TAC Chapter 122, SubChapter B 122.146(2)

Rqmt Prov: OP IA

Description: Failure to submit an annual compliance certification and deviation report within 30 days after the end of the reporting period.

Date: 05/31/2004 (293677)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/29/2006 (514234)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

Rqmt Prov: OP IA

Description: Failure to equip 7 open-ended lines and valves with a cap, blind flange, plug, or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.560
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)

Rqmt Prov: OP IA

Description: Failure to equip 113 open-ended lines and valves with a cap, blind flange, plug, or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.560
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.982(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(a)(1)(iv)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)

Rqmt Prov: OP IA

Description: Failure to submit prior flare test reports 90 days prior to the compliance date of January 6, 2006.

Date: 08/30/2006 (510444)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: OP IA

Description: Failure to equip 34 open-ended lines and valves with a cap, blind flange, plug, or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 30 TAC Chapter 122, SubChapter B 122.146(2)

Rqmt Prov: OP IA

Description: Failure to submit an annual compliance certification and deviation report within 30 days after the end of the reporting period.

Date: 09/30/2005 (467776)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/23/2005 (406138)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
 PA IA

Description: Failure to maintain the time weighted average vacuum pressure below 105 mm Hg.

Date: 11/30/2005 (467778)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2003 (293686)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 08/19/2005 (405030)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.262[G]
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
 Description: Failure to notify the TCEQ within 10 days of the installation or modification of the facility. The notification should have been submitted on September 20, 2004, but was not submitted until October 8, 2004. 30 TAC 106.262(a)(3) requires that the notification be submitted within 10 days.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: OP IA
 Description: Failure to equip 94 open-ended lines and valves with a cap, blind flange, plug, or second valve.
 Date: 08/28/2006 (509675)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
 Description: Failure to conduct quarterly opacity observations on 18 stationary combustion source vents.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)
 30 TAC Chapter 106, SubChapter K 106.262(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
 Description: Failure to submit a PBR notification within 10 days of the modification.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 30 TAC Chapter 122, SubChapter B 122.143(4)
 OP IA
 PA IA
 Description: Failure to conduct quarterly sampling for VOCs from the pellets on C-Line from November 1, 2004 through September 30, 2005.
 Date: 08/22/2006 (497635)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

Rqmt Prov: OP IA
 Description: Failure to equip 6 open-ended lines, valves, or flanges with a cap, blind flange, plug, or second valve.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(C)

Rqmt Prov: OP IA
 Description: Failure to maintain the combustion chamber of the Rotary Kiln Incinerator (RKI)

above the minimum temperature of 1400 degrees Fahrenheit while waste tanks were being vented to the RKL.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(viii)

Rqmt Prov: OP IA

Description: Failure to conduct one weekly AWFCO test and failure to include % oxygen as an OPL during the weekly AWFCO test.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(2)(i)

Rqmt Prov: OP IA

Description: Failure to conduct annual calibrations on the Fluid Bed and Rotary Kiln Incinerators' 21 total instruments.

Date: 08/31/2005 (405967)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 61, Subpart V 61.242-6(a)(1)

Rqmt Prov: OP IA

Description: Failure to equip 37 open-ended lines and valves with a cap, blind flange, plug, or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Part 61, Subpart V 61.242-1(a)

Rqmt Prov: OP IA

Description: Failure to monitor 135 components in benzene service.

Date: 11/30/2004 (381484)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/19/2005 (405448)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: OP IA
PA IA

Description: Failure to equip 41 open-ended lines and valves with a cap, blind flange, plug, or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
PA IA

Description: Failure to equip 1 open-ended line/valve with a cap, blind flange, plug, or second valve.

Date: 03/18/2005 (373696)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent unauthorized emissions during an excess opacity event (Incident # 52751).
Date: 08/19/2005 (405683)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

Rqmt Prov: OP IA

PA IA

Description: Failure to equip 30 open-ended lines and valves with a cap, blind flange, plug, or second valve.

Date: 08/30/2006 (509748)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

Rqmt Prov: OP IA

Description: Failure to equip 1 open-ended line with a cap, blind flange, plug, or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA

PA IA

Description: Failure to equip 1 open-ended line with a cap, blind flange, plug, or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)

Rqmt Prov: OP IA

Description: Failure to equip 2 open-ended lines, valves, or flanges with a cap, blind flange, plug, or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.100(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: OP IA

Description: Failure to equip 1 open-ended line, with a cap, blind flange, plug, or second valve.

Date: 08/25/2006 (509315)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.100(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: OP IA

Description: Failure to equip 4 open-ended lines, valves, or flanges with a cap, blind flange, plug, or second valve.

Self Report? NO Classification: Moderate

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EASTMAN CHEMICAL COMPANY
RN100219815

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0013-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Eastman Chemical Company ("Eastman") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Eastman appear before the Commission and together stipulate that:

1. Eastman owns and operates a chemical manufacturing plant located on Kodak Boulevard off Highway 149 in Longview, Harrison County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Eastman agree that the Commission has jurisdiction to enter this Agreed Order, and that Eastman is subject to the Commission's jurisdiction.
4. Eastman received notice of the violations alleged in Section II ("Allegations") on or about December 3, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Eastman of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Three Thousand Nine Hundred Ninety Dollars (\$33,990) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Eastman has paid Twenty-Seven Thousand One Hundred Ninety-Two Dollars

(\$27,192) of the administrative penalty and Six Thousand Seven Hundred Ninety-Eight Dollars (\$6,798) is deferred contingent upon Eastman's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Eastman fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Eastman to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Eastman have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Eastman has implemented the following corrective measures at the Plant:
 - a. Replaced the twelve missing plugs by February 14, 2006;
 - b. Was issued Permit By Rule No. 76860 on September 30, 2005 to increase total Volatile Organic Compound emissions to 8.41 tons per year;
 - c. Implemented a revised Monitoring Plan to include sampling at the entrance and exit of the cooling tower by March 31, 2006; and
 - d. Submitted the corrected deviation reports on July 25, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Eastman has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Eastman is alleged to have:

1. Failed to equip open-ended lines with a cap, blind flange, plug, or second valve, in violation of 30 TEX. ADMIN. CODE §§ 113.130, 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 63.167(a)(1), Federal Operating Permit 0-01974, Special Terms and Conditions Nos. 1A and 6, and New Source Review ("NSR") Permit 52985, Special Condition No. 10E, as documented during an investigation conducted on November 9, 2006. Specifically two open-ended lines were found; one on December 8, 2005 and one on February 3, 2006; and ten open-ended lines were found; one each on October 17 and 18,

2005, December 3 and 30, 2005, February 8 and 14, 2006, and four were found on February 1, 2006.

2. Failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 116.115(b)(2)(F) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit 0-01974, Special Terms and Conditions No. 6, and NSR Permit 52985, Special Condition No. 1, as documented during an investigation conducted on November 9, 2006. Specifically, during an emission test on Emission Point No. 038E103 from August 17 to 19, 2005, Eastman indicated ethanol emissions of 2.0 pounds per hour ("lbs/hr") while the permitted limit is 1.13 lbs/hr.
3. Failed to sample at both the entrance and exit of each heat exchange system to detect leaks on a quarterly basis, in violation of 30 TEX. ADMIN. CODE §§ 113.110 and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 63.104(b)(4) and Federal Operating Permit 0-01974, Special Terms and Conditions No. 1A, as documented during an investigation conducted on November 9, 2006. Specifically, Eastman reported that they did not sample at the entrance of the cooling tower for the 3rd and 4th quarters of 2004 and the 1st through the 4th quarters of 2005.
4. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit 0-01974, General Terms and Conditions, as documented during an investigation conducted on November 9, 2006. Specifically, Eastman failed to include, as a deviation, the failure to sample at the entrance of the cooling tower on the three deviation reporting periods of July 1 to December 31, 2004, January 1 to June 30, 2005, and July 1 to December 31, 2005.

III. DENIALS

Eastman generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Eastman pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Eastman's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Eastman Chemical Company, Docket No. 2007-0013-AIR-E" to:

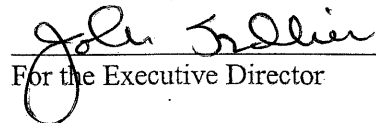
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Eastman. Eastman is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Eastman in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Eastman, or three days after the date on which the Commission mails notice of the Order to Eastman, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

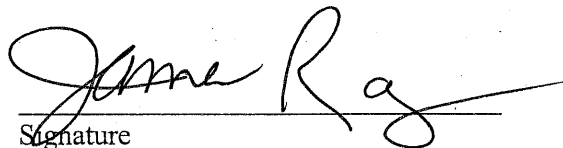
7/25/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

April 3, 2007
Date

James Ray

Name (Printed or typed)
Authorized Representative of
Eastman Chemical Company

Vice President and General Manager

Eastman Chemical Company
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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